

CHAPTER 5

TABLE OF CONTENTS

5.1 County Canvassing Board & Voter Intent2

Who serves on the county canvassing board?2

What does a canvassing board meeting look like?2

Canvassing board duties ...and which duties may be delegated to you?3

Canvassing board duties that may not be delegated {to you}.....3

When does the board certify the election?4

What constitutes a vote?.....4

5.2 Completing the Election5

Before certifying A Primary or an election5

Certification of elections.....8

Finishing up9

5.3 Recounts12

Definition12

Requested recounts.....13

Mandatory recounts13

Conducting a machine recount.....14

Conducting a hand recount15

Certifying a Recount16

Tied races.....16

5.4 Election Administration Tool Kit17

Tools17

Office procedures17

Election resources.....19

Election and voter registration Costs20

Web resources21

NOTES: _____

5.1 COUNTY CANVASSING BOARD & VOTER INTENT**RCW 29A.60**

The County Canvassing Board is a three member board that makes final determinations before certifying an election. Two of the three members, otherwise known as a quorum, must agree in order for any decision to be valid.

WHO SERVES ON THE COUNTY CANVASSING BOARD?

Canvassing Board members must, by law, canvass ballots and certify the election.

- County Auditor (or Deputy Auditor)
- Prosecuting Attorney (or Deputy PA)
- Chair of the Legislative Authority (or another member of legislative authority)

Members may designate in writing an alternate for a specific time or election, or until revoked by the designee. Each position must have a separate designation on file in the County Auditor's Office prior to undertaking Board duties.

WHAT IF A CANVASSING BOARD MEMBER IS ALSO A CANDIDATE?

- If possible, candidates on the ballot should not serve on the canvassing board for that election or primary. The candidate may designate an alternate to serve in his or her place.
- If no one is available to serve on the canvassing board who is not a candidate at that election or primary, the candidate may serve on the board, but may only make decisions on votes cast for other offices, an entire ballot, or groups of ballots. The candidate must never make decisions on his/her race.
 - a) If a question involves the candidate's race, the two remaining members make the determination.
 - b) If the two disagree, the vote in question is not counted unless the vote could affect the outcome of the race. In that case, a representative of the Secretary of State shall break the tie.

WHAT DOES A CANVASSING BOARD MEETING LOOK LIKE?

- As required by law, the board must adopt written procedures.
- All county canvassing board meetings fall under the Open Public Meetings Act.
- A public notice must be published for every meeting.

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- In the course of a meeting, decisions are made by quorum. Two members of the board must agree.
- Records must be kept of all meetings (written minutes, tape recording, and/or video recording)

RCW 29A.60.140;
WAC 434-262-025

CANVASSING BOARD DUTIES ...AND WHICH DUTIES MAY BE DELEGATED TO YOU?

County Canvassing Boards may delegate duties in writing to County Auditor staff. Duties that may be delegated:

- Emergency Logic and Accuracy tests
- Determining the validity of provisional ballots in certain situations
- Breaking tied races
- Verifying the Auditor's abstract of votes
- Processing special absentee ballots
- Administering recounts
- Voter registration challenges
- Determining voter intent according to rules outlined in "Statewide Standards on What is a Vote"

CANVASSING BOARD DUTIES THAT MAY NOT BE DELEGATED {TO YOU}

- Determining the validity of challenged ballots
- Determining the validity of provisional ballots presented to the board
- Rejecting ballots
- Certifying the election

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WHEN DOES THE BOARD CERTIFY THE ELECTION?

- On the 14th day after a special election or primary
- On the 21st day after a general election

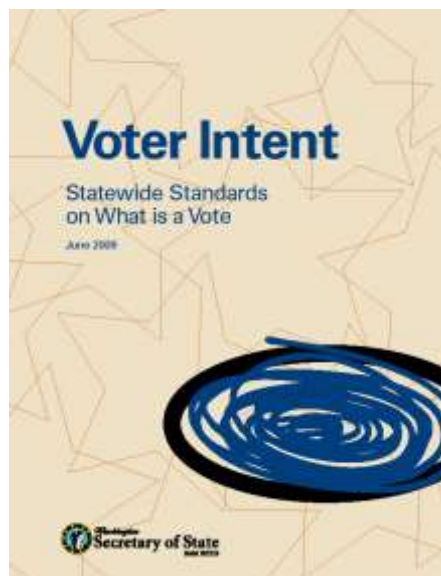
WHAT CONSTITUTES A VOTE?

The Help America Vote Act in 2002 (HAVA) mandated that states adopt uniform standards defining what constitutes a vote and what counts as a vote for each voting system in the state.

WHAT IS THE STANDARD?

"Statewide Standards on What is a Vote"

- Published by the Washington Secretary of State's Certification & Training Program; created in cooperation with County Auditors and County Canvassing Boards; adopted into the Washington Administrative Code
- Pictorial examples of voted ballots which represent all types of ballots currently used in Washington State
- Provides rules for the canvassing boards
- Strives for consistency statewide



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5.2 COMPLETING THE ELECTION

RCW 29A.60, WAC 434-262

BEFORE CERTIFYING A PRIMARY OR AN ELECTION

Complete the following before a primary or an election may be certified:

- Audit of direct recording electronic devices (DREs) used for voting
- Credit all voters whose ballots were valid and counted
- Complete reconciliation reports of ballots

You should allow time between producing the final election results and the Canvassing Board certification meeting to finalize all of these tasks.

AUDIT OF DRES

You must complete an audit of DREs before an election is certified. ES&S AutoMARKS® are not audited because an AutoMARK® does not tabulate votes.

Each county using DREs is required to have written procedures for the audit process that include:

- Auditing 4% of the total DREs used or one DRE, whichever is greater
- Auditing only if a contest has at least 11 votes cast on *each* DRE
- Selecting by random the DREs to be audited
- Comparing electronic results of three races with the race results recorded on the voter verified paper (VVPAT):
 - One quarter must be done manually.
 - Three quarters may be done with a mechanical device.
- Requesting the presence of political party observers.

CREDITING VOTERS

Crediting of voters is part of ballot processing. If a ballot is counted in the election, credit the voter's registration record in the election management system.

When suspending a ballot for Canvassing Board determination, also suspend voting credit for that voter. If the Canvassing Board determines to count all or part of the ballot, change the status of the ballot and give the voter credit.

Complete all crediting before certification of the election or primary.

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BALLOT RECONCILIATION

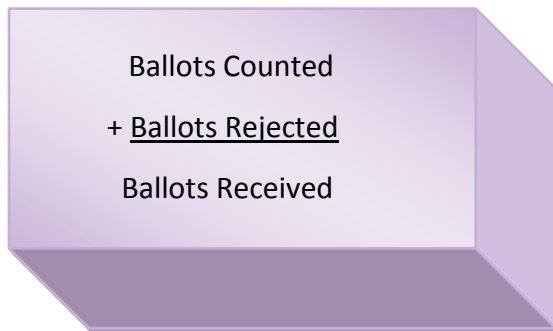
Account for all ballots in the final reconciliation of an election or primary. Daily reconciliation is critical to successful final accounting of ballots.

Reconcile the numbers for:

- Ballots received – as documented in initial ballot processing.
- Signatures checked – found in the election management system.
- Ballots rejected by the Canvassing Board, including unresolved signature mismatches, missing signatures, late postmarks, etc. – from the Canvassing Board minutes and daily records.
- Ballots counted – from tabulation reports.
- Any other categories needed to account for **every** ballot received in your office.

Ballot reconciliation is not complete until all ballots are processed and reported, including provisional ballots, ballots cast on DREs, and ballots sent to the canvassing board for rejection.

We use a simple equation to reconcile ballots:



$$\begin{array}{r} \text{Ballots Counted} \\ + \text{Ballots Rejected} \\ \hline \text{Ballots Received} \end{array}$$

If the numbers do not reconcile, document the steps taken to resolve the discrepancy.

RECONCILIATION REPORT

Present a complete reconciliation report to the Canvassing Board when certifying an election or primary.

State law requires reconciliation reports include the number of:


- Active registered voters, inactive voters.
- Total ballots issued, received, counted, and rejected.
- Provisional ballots issued, received, counted, rejected, and sent to other counties.

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- Federal write-in ballots received, counted, rejected, and sent to other counties.
- Overseas and service ballots issued, received, counted, rejected, and sent to other counties.
- DRE votes (not AutoMARKs®) issued, received, counted, and rejected.
- Regular ballots issued, received, counted, rejected, and sent to other counties.
- The number of voters credited with voting.
- Additional information needed to account for all ballots, such as the number of ACP and special absentee ballots.
- Ballots returned by email, fax, and deposited in county ballot boxes.
- Ballots issued through MyBallot, other online programs, or PDF generated by the county.

If you are unable to balance the number of ballots, document the efforts to find the discrepancy on the report. The reconciliation report and discrepancy documentation must be included in the official election certification.

The Reconciliation Report must be publicly available at the County Auditor's Office and/or on the County Auditor's website.

 *Do not wait until the day of certification to complete the report. You may make small adjustments to the report just prior to certification.*

PLAN AHEAD

- Make appointments with Canvassing Board well in advance of certification day
- Conduct the final count the day before or early on the day of certification
- Finish as early on certification day as possible
- Prepare all reports and forms, set up, and schedule support staff to cover counter and phones

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CERTIFICATION OF ELECTIONS

COUNTY RESPONSIBILITIES

Canvassing Board must certify elections:

- 14 days after a special or primary election
- 21 days after a general election

IMPORTANT—Canvassing Board must certify the election **ON** this day.

- Certification is an open public meeting.
- A quorum of Canvassing Board members, or designees, must certify the election.
- Certification documents include the Auditor's Oath and Board Certificate) must include the signatures and original seals of the Auditor, a verified Reconciliation Report, written narrative of errors and discrepancies discovered, if any, and a verified Abstract of Votes.

Form is available at
<http://www.sos.wa.gov/elections/administrators.aspx>

Oath of County Auditor or Supervisor of Elections	
STATE OF WASHINGTON)	
ss. COUNTY OF _____)	
<p>I solemnly swear that the returns of the (insert election) held on (insert date), in _____ County, State of Washington, have been in no way altered and that they are the same as when they were deposited in my office.</p>	
<p>County Auditor or Supervisor of Elections</p> <p>Subscribed and sworn to me this ____ day of (insert month, year).</p>	
<p>_____ Chairman, County Legislative Authority</p>	

Certification of the Canvassing Board	
STATE OF WASHINGTON)	
ss. COUNTY OF _____)	
<p>The undersigned officers designated by law as constituting the Canvassing Board for the County of _____ State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the (insert election) held on (insert date), in _____ County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.</p>	
<p>Witness our hands and official seal this ____ day of (insert month, year).</p>	
<p>_____ County Auditor or Supervisor of Elections</p>	
<p>_____ Chairman, County Legislative Authority</p>	
<p>_____ County Prosecuting Attorney</p>	

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IMMEDIATELY AFTER CERTIFYING

Upload primary or general election results to the WEI reporting page.

- Special election results for local districts are uploaded if at least one county involved uses WEI web support. The WEI Online Help Manual provides step-by-step instructions.
- Email a scanned copy of results for state offices/measures to the Office of the Secretary of State.

OSOS RESPONSIBILITIES

By the 17th day after a primary the Secretary of State's office will certify results for:

- All statewide offices
- US Senators
- Congressional Representatives
- Legislative and judicial offices encompassing more than one county

No later than the 30th day after a general election the OSOS shall certify the results of the general election for:


- All statewide offices
- US Senators
- Congressional Representatives
- Legislative and judicial offices encompassing more than one county
- All state measures

FINISHING UP

An election is not finished until everything is tidy.

Following certification:

- For general elections only - Calculate next year's validation figures for every special taxing district.
- Wait to change data in the VRDB until after certification and/ or validations figures.
- Organize and label records by election type and date.

 *When storing documents, include the "hold until" retention date and the document retention number on the label.*



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VALIDATION FIGURES

WA CONST. ART. VII §2

Validation numbers are used to determine the minimum votes required for passage of levies and bonds. Following each general election, determine the validation numbers for every minor taxing jurisdiction in your county. These numbers are based on the unaltered list of credited voters from the preceding general election.

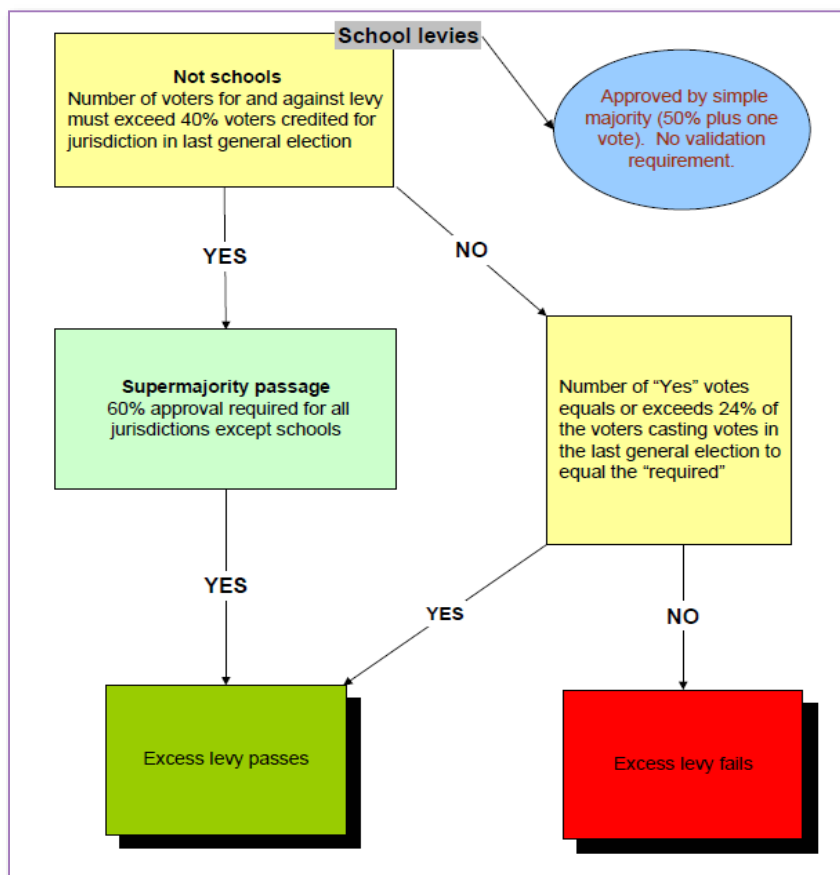
- Create validation number report immediately after certification of the general election
- Do not process name changes, transfers, or voluntary cancelations until validation numbers are calculated and recorded

Depending upon the type of levy or bond, validation figures may be:

- Simple majority - 50% plus one vote.
- Supermajority - 60% of the votes cast.

Validation number. A bond or levy may also need to meet a minimum number of voters participating in the election equal to 40% of voters casting ballots in the district in the last general election to pass.

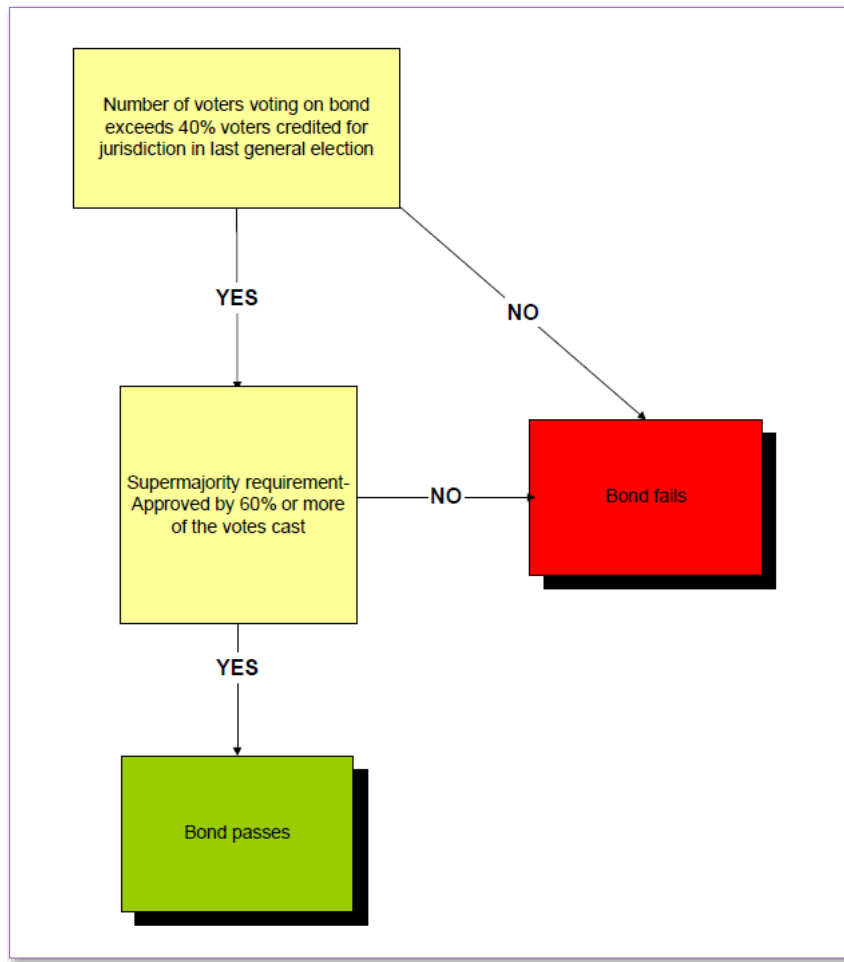
- A levy may pass if yes votes equal 60% of the 40% validation number, if the number of voters participating does not meet the 40% minimum.

PASSAGE OF AN EXCESS
LEVY UNDER 60/40
RULE

All district excess levies, except for those proposed by school districts must meet or exceed a minimum voter participation level.

Determine the minimum by either the number of votes cast *or* the number of "yes" votes cast.

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PASSAGE OF A BOND

Passage of a bond, regardless of the type of jurisdiction, requires that total votes cast meets the validation number *and* the 60% approval rate. Unless a measure's results meet both requirements, the bond fails.

 For more information, check “Excess Levies for Schools” and “Calculating Validation Figures” Clearinghouses on the Secretary of State’s website at <http://www.sos.wa.gov/elections/auditorsCTP/ClearinghouseNotices.aspx>.

RECORDS RETENTION

Retain all records, including electronic files, according to the retentions schedules found at <http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

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5.3 RECOUNTS**29A.64, WAC 434-264****DEFINITION**

A recount is re-tabulating the votes for a specific office or issue on all valid ballots, including write-ins, cast in a primary or election. If a ballot has been duplicated, the duplicate (not the original) shall be counted.

WHAT INITIATES A RECOUNT?

Recounts are by request or mandatory. State law requires a recount if the number of votes for each candidate is within a specified range. By law, you cannot recount a race or issue more than twice.

Jurisdiction	Requested Recount	Mandatory Recount	Hand Recount
Statewide Race	Written request within 2 business days of state certification by candidate or political party	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 1000 votes, AND Less than ¼ of 1% difference
State Measure	Written request within 2 business days of state certification by 5 or more registered voters	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 1000 votes, AND Less than ¼ of 1% difference
Congressional, Legislative, Judicial or Local Race	Written request by candidate or political party within 2 business days of state or county certification, depending on the office	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 150 votes, AND Less than ¼ of 1% difference
Local Measure	Written request within 2 business days of county certification by 5 or more registered voters	No mandatory recount	No mandatory recount

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REQUESTED RECOUNTS

State law determines who may request a recount in writing:

- For an office, by a candidate of that office or officer of a political party only.
- For an issue or question, by any group of five or more registered voters only.

The requester must submit a request for a recount within two business days of certification of the election:

- For state offices, state measures and multi-county state offices, the request is filed with the Secretary of State.
- For single county, state, and local offices and minor taxing districts, the request is filed with the County Auditor with whom candidates for that district file.
- Included in a request:
 - The office or issue for which the recount is requested.
 - Whether the recount is a machine or manual count.
 - If all or only a portion of the precincts are to be recounted.
 - A deposit depending upon the way the recount is conducted.
 - Machine recount \$.15 per ballot
 - Manual recount \$.25 per ballot
- The requester is responsible for the entire cost of the recount and will receive a bill or refund for the difference.

Conduct a requested recount in the same manner as a mandatory recount.

- The requester may stop the recount at any time; however, recounts cannot be stopped before completion if the result would reverse the outcome.
- If a partial recount reverses the outcome of the election, recount all the ballots for that race or question.
- If a full recount reverses the outcome of the race or question, the deposit is refunded.

MANDATORY RECOUNTS

Mandatory recounts occur when the votes for offices or statewide measures fall within the statutory range. State law does not provide for a mandatory recount of a local issue.

- Recounts of any office or state measure, by machine or by hand, occur when the difference between the two candidates or state measure choices is:
 - Less than 2000 votes difference, AND
 - Less than $\frac{1}{2}$ of 1% of the total votes cast for the office or issue.

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- For statewide offices or measures, you must recount votes by hand if the difference between the two candidates or choices is:
 - Less than 1000 votes, AND
 - Less than $\frac{1}{4}$ of 1% of the total votes cast for the office or issue.
- For all other offices, you must recount votes by hand if the difference between the two candidates is:
 - Less than 150 votes, AND
 - Less than $\frac{1}{4}$ of one percent of the total votes cast for the office or issue.
- Alternative method—All candidates may agree to use an alternative recount method.

WHICH CANDIDATES ARE RECOUNTED?

The type of election determines which candidates, meeting the recount threshold, require a recount.

- In a primary, the second and third highest vote getters may require a recount.
 - The highest vote getter automatically advances to the general election.
 - If the top two are the close candidates, no recount is necessary.
- In a general election, the top two vote getters may require a recount.

CONDUCTING A MACHINE RECOUNT

You may choose to recount by hand or machine if the vote difference does not require a hand recount.

The County Canvassing Board sets the date and time of the recount.

- The Secretary of State may set the certification date in a multi-county recount.

The applicant and affected people are officially notified one day before the recount.

- Observers are allowed.
- Different types of observers are prioritized in WAC when space will not accommodate all observers.

Assemble the ballots to be recounted in the presence of observers.

- Votes previously determined by the County Canvassing Board are counted as directed by the Board.
- Ballot issues found during the recount, not previously addressed or included in the original count, are determined by the County Canvassing Board.
- Recount results are by precinct and only include the office or issue recounted

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DIGITAL SCAN SYSTEMS

In a machine recount, program digital tabulation equipment to identify all ballots that include an undervoted office or ballot measure subject to the recount. Inspect for valid votes not correctly counted by the tabulation equipment. Refer votes not correctly counted to the County Canvassing Board.

OPTICAL SCAN SYSTEMS

In a machine recount, optical scan tabulation equipment must be programmed to out sort all ballots that include an undervoted and overvoted office or ballot measure subject to the recount.

Inspect for valid votes not correctly counted by the tabulation equipment. Refer votes not correctly counted to the County Canvassing Board.

Can the Canvassing Board determine if a recount is conducted by machine or by hand?

Yes, as long as a hand recount is not required. If the margins fall in the hand recount range, recount votes by hand.

CONDUCTING A HAND RECOUNT

Hand recounts are conducted in the same manner as machine recounts up to running the ballots through a tabulator.

- Votes are tallied by counting board(s), comprised of at least two members:
 - One representative from each of the two major political parties; or
 - Two staff members from the County Auditor's Office.
- Recount only the votes for the office or issue.
- Each board will receive one precinct at a time. (You may use batches only if the County Auditor produces election results batch for comparison and you produce final recount results by precinct.) Counting boards:
 - Sort ballots into separate stacks, one for each candidate or response, undervotes, overvotes, and write-ins.
 - Manually count each stack by each board member to confirm the number of votes in each stack.
 - Report results *If* the members' counts match.
 - Count ballot stack again *If* the counts do not match.
 - Send ballots to another counting board *If* the counts still do not match after a second count.
- The procedure for completing the recount is the same as a machine recount.

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CERTIFYING A RECOUNT

The County Auditor prepares an amended abstract of the recounted ballots for the County Canvassing Board. The abstract includes results only for the recounted office or measure:

- A revised cumulative summary
- Votes cast in each precinct

The County Canvassing Board must review and approve the amended results. If the results do not match the original results, the board will verify that all the ballots have been recounted and resolve any discrepancies.

TIED RACES

If the recount results in a tie, the winner is determined by lot.

Depending upon the office, the County Canvassing Board or the Secretary of State designates the time and place for the lot draw, notifies the affected candidates, and certifies the winner.

Measures are not subject to lot draws—they either have enough votes to pass or they fail.

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5.4 ELECTION ADMINISTRATION TOOL KIT

TOOLS

Every election administrator should assemble a 'toolkit' consisting of items to keep the office running smoothly, such as:

- Local government retention schedules
- Written office policies and procedures
- Election calendar and task specific schedules
- Contact information for vendors, other counties, and OSOS staff
- Web links for election departments and political organizations
- Operation manuals for equipment and software
- Guidelines for implementing the *Americans with Disabilities Act*

OFFICE PROCEDURES

Written procedures ensure consistency in completing a task, provide a timeline for processes, and give direction to new employees or for infrequent activities. Procedures also document compliance with state laws and office policy. Written procedures may include:

- Title with initials of author and date of last review
- Brief statement of the purpose for the procedure
- List of controlling statutes, rules, or policies
- List of forms used in the procedure
- List of records created during the process
- Step by step instructions necessary to complete the procedure:
 - Times and deadlines
 - Actions to take in special circumstances, e.g. lack of compliance or an emergency
 - Position responsible for the completion of each task or procedure

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EXAMPLE OF WRITTEN PROCEDURE FORM

 Snohomish County Elections/Voting Division Procedure	
Title Ballot Packing for Storage	Document No. and Revision TB – 002
Written and Last Updated by and Date: D.F. 4/21/2008	Effective Date: 6/30/2008
Approved by and Date: WM 6/30/2008	

Purpose

To maintain and track how and where tabulated ballots are packed for storage after tabulation.

References

RCW 29A.60.110	Ballot containers, sealing, opening
WAC 434-261-045	Secure Storage

Forms

	Batch slips
	Storage box label

Records

Ballot storage location.xls	Batch locations are recorded in each election's ballot location spreadsheet
Batch Accountability Sheet	Tabulation accountability paperwork completed by machine operator for each batch of ballots

Procedure

1.0 Pre-Election storage inventory

<u>Action By</u>	<u>Action</u>
Election Technician	1) Review supply check sheet and order any needed supplies at least 4 weeks before election

2.0 Pre-tabulation packing preparation (prior to Election Day tabulation)

Test procedures with inexperienced staff. Adopt procedures only after testing.

Review and update office procedures annually.

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ELECTION RESOURCES

No office works independently. With the advent of technology, the public expects offices to know more and find information faster. Prepare in advance with:

- Schedules and calendars specific to elections and election processes
- Equipment manuals from your vendors (preferably electronic format)
- Website favorites such as
 - OSOS including Elections & Archives/Records Management
 - PDC
 - Local government sites e.g. cities, ports, schools
 - US Post Office
 - VRDB access
 - Lexus Nexus and DOL lookup (requires a license)
 - WEI Online Help Manual

WEI - WASHINGTON ELECTION INFORMATION SYSTEM

WEI, a multi-support system, includes:

- Increased access to election results
- Online voter registration
- Individual voter information
- Online ballot access
- Website support for counties

Counties choose to use as little, or as much, of the WEI as desired. Some of the services now available to counties include:

- Standardized voter education notices
- Candidate filing management
- MyBallot
- Online voter guides
- Archived election information

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ELECTION AND VOTER REGISTRATION COSTS

Elections cost money. Participating minor taxing jurisdictions pay their share of election costs. The state reimburses for its share in odd year elections only. Some examples of recoverable expenditures are:

- Printing costs for ballots and envelopes.
- Postage for mailing ballots and charges for undeliverable ballots.
- Staff time dedicated to the election.
- Annual maintenance for the election tabulation system software and hardware.
- A portion of annual maintenance for election management system software and hardware.

Examples of voter registration costs:

- The election management software maintenance costs used for voter registration.
- Printing or postage for required NVRA notices.
- Staff time dedicated to voter registration.
- A portion of annual maintenance for election management system software and hardware.

Do not include expenses covered by HAVA grants.

Bill voter registration expenses to the county and cities/towns based on voter registration totals.

TRACKING EXPENSES

There are several methods for tracking expenditures:

- Using budget line items attached to warrants
- Retaining copies of all invoices
- Maintaining an itemized spreadsheet during the election

Any combination of these methods has proven successful for accurately documenting expenses. Track registration expenses separately from election costs.

Billing information and rules for cost recovery are available in the BARS Manual (*Budgeting, Accounting and Reporting System*) (Vol. 1, Pt. 3, Ch 12) available on the Washington State Auditor's Office website at <http://www.sao.wa.gov/local/Pages/BarsManual.aspx>.

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WEB RESOURCES

Office of the Secretary of State: www.sos.wa.gov

OSOS Elections home page: www.vote.wa.gov.

OSOS Election Administrators webpage tab:

<http://www.sos.wa.gov/elections/administrators.aspx>

Federal Voting Assistance Program (FVAP): www.fvap.gov

Public Disclosure Commission: www.pdc.wa.gov

US Postal Service: www.usps.com. For specifically election mail <https://www.usps.com/gov-services/election-mail.htm>

Budgeting, Accounting and Reporting System (BARS) for (GAAP)> manual search “elections”

<http://portal.sao.wa.gov/SAOPortal/Public.aspx/BARSSearch?mtID=2>

WEB RESOURCES FOR ELECTION LAWS

Department of Justice: <http://www.justice.gov/crt/about/vot/>

NVRA and UOCAVA: <http://www.fvap.gov/info/laws>

OTHERS SUPER SITES

Find a birthday: www.stevemorse.org/birthday/birthday2.html

Free people search: www.zabasearch.com

Address Lookup: www.melissadata.com/lookups/addressverify (No charge for the first five daily)

ZIP locator: www.zip-codes.com

Lexis Nexis: www.lexis.com (Requires licensed login)

Department of Licensing query: <https://secureaccess.wa.gov/> (Requires licensed login)

Social Security Death Index: <http://ssdi.rootsweb.ancestry.com/>

FORMS AND TEMPLATES

Voter Registration Challenges: www.sos.wa.gov/elections/voterregistrationchallenges.aspx

Agency Based Registration Forms: <http://www.sos.wa.gov/elections/FormsforVoters.aspx>

My Vote: <https://wei.sos.wa.gov/agency/osos/en/pages/myvote.aspx>

Voter Registration Form: <http://www.sos.wa.gov/elections/Print-Voter-Registration-Forms.aspx>

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